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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,030	08/20/2003	Ching-sung Ho	0941-0813P	5335
2292	7590	06/28/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HAROLD, JEFFEREY F	
			ART UNIT	PAPER NUMBER
			2646	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,030	HO ET AL.	

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/2/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement submitted on January 2, 2004 have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. ***Claims 1-6*** are rejected under 35 U.S.C. 102(b) as being anticipated by Weller et al. (United States Patent 6,266,399), hereinafter referenced as Weller.

Regarding **claim 1**, Weller discloses outgoing message selection based on caller identification and time date constraints. In addition, Weller discloses a method for answering a call from a remote terminal with a smart phone, the method comprising the steps of: pre-storing a sound clip in the smart phone; receiving the call and acquiring a caller identity delivered therewith from the remote terminal; generating a first selection signal corresponding to the caller identity; and selecting a voice signal derived from a microphone or from the sound clip to be transmitted to the remote terminal according to the first selection signal, as disclosed at column 3, line 1 through column 6, line 17 and exhibited in figures 1-6.

Regarding **claim 2**, Weller discloses everything claimed as applied above (see claim 1), in addition, Weller discloses wherein the smart phone further has an inherent

codec and the method further comprises the step of: pre-storing a plurality of sound clips; generating a second selection signal corresponding to the caller identity; and selecting one of the sound clips as a source of the voice signal according to the second selection signal, as disclosed at column 3, line 1 through column 6, line 17 and exhibited in figures 1-6.

Regarding **claim 3**, Weller discloses a smart answering phone comprising: a microphone; an inherent codec pre-storing a sound clip; a processor acquiring a caller identity delivered with the call from a remote terminal; and an inherent multiplexer selecting a voice signal from the microphone or from the sound clip to be transmitted to the remote terminal as disclosed at column 3, line 1 through column 6, line 17 and exhibited in figures 1-6.

Regarding **claim 4**, Weller discloses everything claimed as applied above (see claim 3), in addition, Weller discloses wherein the inherent codec further pre-stores plurality of sound clips, the processor further generates second selection signal corresponding to the caller identity and the codec further selects one of the sound clips as source of the voice signal according to the second selection signal as disclosed at column 3, line 1 through column 6, line 17 and exhibited in figures 1-6.

Regarding **claims 5 and 6**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-4.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey F Harold
Examiner
Art Unit 2646



JFH
June 26, 2005